

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MAIL BOXES, ETC., INC. and UNITED PARCEL SERVICE OF AMERICA, INC.,

Plaintiff,

vs.

UNITED POSTAL BUSINESS CENTER,
JOSEPH CHAN, individually, STANLEY
CHAN, individually,

Defendants.

CASE NO. 08cv1383-LAB (BLM)

**ORDER DENYING JOINT
MOTION**

[Dkt No. 18]

Plaintiffs filed this trademark infringement action on July 30, 2008. They applied ex parte on August 6, 2008 for entry of a Temporary Restraining Order ("TRO") to enjoin defendants from certain conduct in the operation of a business allegedly competing impermissibly with plaintiffs' franchised business also operated by defendants. Dkt No. 7. In a "Joint Motion" filed August 14, 2008, before the Court acted on the ex parte TRO application, the parties represented they agreed to the entry of a TRO for the same relief as plaintiffs had requested ex parte, and for the same 10-day duration, "unless Defendants consent that it may be extended for a longer period." Dkt No. 13. In an Order entered August 15, 2008, the Court denied the "joint request" for entry of a TRO, finding the circumstances to be inappropriate for that extraordinary relief, inasmuch as defendants had agreed to modify their conduct without the need for judicial compulsion. Instead, the Court construed the Joint Motion as a Request For Entry Of Consent Order, and granted the

1 request as an Order To Enforce Parties' Agreement. Dkt No. 16. That Order recited the
2 parties' entire agreement as it was presented in the Joint Motion, including the self-expiring
3 ten (10) day duration of the restraint and the potential to continue the agreed restraint upon
4 defendants' consent.

5 The parties have now presented a Joint Motion To Extend Consent Order to continue
6 the enumerated prohibitions until "September 4, 2008 or until further Court ORDER." No
7 good cause is recited in the Joint Motion, nor is any explanation provided with respect to the
8 limited duration of their serial agreements. Dkt No. 18. The court declines to clutter this
9 docket at 10-day intervals for the purpose of incrementally approving the parties' stipulated
10 arrangements, especially when no reason is offered to justify the seeking of a court Order
11 merely to memorialize the parties' piecemeal agreements. Accordingly, the Joint Motion is
12 **DENIED**, but without prejudice to the parties' filing of a Joint Motion taking into account the
13 reservations expressed in this Order.

IT IS SO ORDERED.

15 || DATED: August 26, 2008

Larry A. Bunn

HONORABLE LARRY ALAN BURNS
United States District Judge